

Webster confirmation likely despite lag on North memo

By Mary Belcher
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FBI Director William Webster should have informed the Senate Intelligence Committee about a 1986 memo speculating that Lt. Col. Oliver North may have been the subject of a criminal inquiry — but he is still expected to be confirmed as director of the CIA, lawmakers said yesterday.

Intelligence Committee Chairman David Boren told Mr. Webster in a second day of confirmation hearings that he should have brought the Oct. 30, 1986, Justice Department memo to the panel's attention. The memo, which was revealed Wednesday during the first day of hearings, speculated that Col. North — formerly a top National Security Council aide — may have been under criminal investigation for his role in aiding the Nicaraguan resistance.

Mr. Webster said he did not regard the memo as significant because the Justice official's "speculations" were based on newspaper reports that Col. North had possibly violated a congressional ban on aiding the Nicaraguan Contras.

Although Mr. Webster said he forgot about the memo and failed to inform the panel of its existence, independent counsel Lawrence Walsh late Tuesday alerted the committee to the document.

"When in doubt . . . we would hope you would always err on the side of disclosure to us," Sen. Boren told Mr. Webster, President Reagan's choice to become the new CIA director.

Mr. Reagan fired Col. North from the NSC staff last Nov. 25, the day the colonel's role in diverting Iranian arms sales proceeds to the Contras was disclosed. He is now the focus of an independent counsel's investigation.

Mr. Boren, Oklahoma Democrat, told Mr. Webster the memo was relevant to the panel's inquiry because they wanted to know "what sort of suspicions you might have had" when Attorney General Edwin Meese III asked him Oct. 30 to postpone an investigation into the Florida-based Southern Air Transport.

But Mr. Webster yesterday said he did not see the Oct. 30 memo until Oct. 31, the day after he agreed to delay the FBI probe of Southern Air Transport.

The FBI was investigating the company — which was transporting

weapons to the Contras — to determine whether it was violating neutrality laws. Mr. Meese asked that the investigation be delayed because it might upset delicate hostage negotiations in the Middle East.

Because the president instructed former CIA Director William Casey not to inform key members of Congress about the Iran initiative, the intelligence committee is especially sensitive about having information withheld from them.

"I will not try to be devious or cute with the committee," Mr. Webster promised yesterday.

Mr. Webster, 63, was tapped for the CIA post last month after Robert Gates, the CIA's second-in-command behind Mr. Casey, was forced to withdraw his name from consideration after being declared "tainted" by the Iran-Contra affair.

Mr. Casey, who is being treated for cancer, resigned as CIA head in February.

Sen. Arlen Specter, Pennsylvania Republican, yesterday asked Mr. Webster to condemn Mr. Gates because he helped Mr. Casey prepare congressional testimony on Iran that omitted important information. But Mr. Webster refused, saying he would not judge Mr. Gates' action.

Without criticizing Mr. Casey, Mr. Webster has made clear that he will

be a starkly different intelligence director.

Critics have charged that Mr. Casey, who managed Mr. Reagan's 1980 presidential campaign, may have allowed his personal allegiance to influence his actions.

Mr. Webster signaled his intention to remain free of political concerns by announcing Wednesday that he would not be a member of the president's Cabinet if confirmed.

Panel members yesterday questioned the wisdom of making the CIA directorship a sub-Cabinet-level post.

Mr. Specter said Mr. Webster might forfeit influence and the input of the intelligence community on Cabinet affairs. Sen. Dennis DeConcini, Arizona Democrat, said the CIA director should insist on seeing the president at least once a week.

Mr. Webster remained calm and collected through two hours of intense questioning yesterday and five hours Wednesday. The topics ranged from the Iran-Contra affair to the thoroughness of the 1981 FBI background check on former labor secretary Raymond Donovan, now on trial on fraud and grand larceny charges.

If the Senate confirms Mr. Webster's nomination as expected this month, he will become the nation's 14th director of central intelligence.